

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LUTHER LOPEZ

c/o 50 Amsterdam Ave #12A
New York, New York 10023

Plaintiff,

17CV 3341

Vs

COMPLAINT

TOMI LAHREN

6301 Riverside
Drive bldg 1
Irving, Tx 75039

GLENN BECK

6301 Riverside
Drive bldg 1
Irving, Tx 75039

THE BLAZE

Registered agent corporation
Agent, corporation service company
D/B/A/ csc Lawyers incorporating service
Company 211 E. 7th Street #620
Austin, Tx 78701

MERCURY RADIO ARTS INC

Registered agent corporation
Agent, corporation service company
D/B/A/ csc Lawyers incorporating service
Company 211 E. 7th Street #620
Austin, Tx 78701

BILL O'REILLY

The Corporation Trust Company
Corporation Trust Center, 1209
Orange Street, Wilmington, Delaware 19801

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S.D. OF N.Y.

**TWENTY-FIRST CENTURY FOX INC, FOX
NEWS CORPORATION; FOX
BROADCASTING COMPANY;
FOX NEWS NETWORK, LLC**
The Corporation Trust Company
Corporation Trust Center, 1209
Orange Street, Wilmington, Delaware 19801

DIANNE BRANDI
The Corporation Trust Company
Corporation Trust Center, 1209
Orange Street, Wilmington, Delaware 19801

ROGER AILES
The Corporation Trust Company
Corporation Trust Center, 1209
Orange Street, Wilmington, Delaware 19801
Defendant,

CLASS ACTION COMPLAINT

Initially the Plaintiff and several others, similarly situated, who feel and believe that this complaint is necessary to thwart the growing rise of hate/bias crimes being perpetrated in this country as we speak, intended to file together on one suit (commonly called a class action), however due to research, study, information and belief it appears that is prohibited, due to the fact that neither the Plaintiff and those similarly situated are not attorneys. Therefore, we have decided to each file separately and independently, until such time that an licensed attorney can represent the parties together on a class action. (if no attorney decides to handle the case, all parties are capable of litigating their own case(s))

I. INTRODUCTION AND NATURE OF THE ACTION

1. This is a complaint of local and national concern, as racial tensions are extremely high and volatile in this country, especially during the presidential run and election of Mr. Trump. It is a known and actual fact that since the presidential run and election of Mr. Trump hate/bias crimes has increased dramatically. According to the Southern Poverty Law Center hate crimes has risen by 1, 094 (**this number only reflects some of the hate/bias crimes and only reflects those crimes that were reported, the numbers have grown more to exceed over 2,000 as of the date of this writing**) bias related incidents since the month following the election and is rising daily. The top three categories reported are: (1) so called illegal or perceived illegal Immigrants or immigration, (2) African-Americans (or blacks) and (3) Muslims. The top four states with reported hate crimes are the following: (1) California, (2) New York, (3) Texas and (4) Massachusetts. (**it should be noted that Defendant Fox News and Bill o'Reilly are located in New York City and Defendants Tomi Lahren, Glenn Beck and The Blaze are located in Texas**) It is the contention of the Plaintiff (and other similarly situated) that this is being fueled by the rhetoric of all of the above-named Defendants. Who have engaged in disseminating Anti-Black, Anti-Islamic and Anti-Immigration rhetoric for several years. In addition, all of the above-named Defendants have purposely and deliberately disseminated inaccurate, incomplete, false, bias, inflammatory and unbalanced information to their combined 10-20 Million followers. Even veteran journalist Ted Koppel, in an interview with

Sean Hannity, (an employee with fox news, who may be added to an amended lawsuit as it relates to his inflammatory rhetoric on fox news) stated the following:

- “you are bad for America” referring to individuals like Sean Hannity, bill O’Reilly and others.
- “you have attracted a significant number of people who are determined that ideology is more important than facts”
- “you have changed the T.V. landscape of the past 20 years from being objective and dull to subjective and entertaining” This statement was made on the Bill O’Reilly show, on or about March 4, 2016.
- “commentaries like me (bill O’Reilly is referring to himself) have just ruined the county, I cop to that”

The Defendants know they are fueling the violent acts being perpetrated by their viewers or others connected to the Defendants. Some notable recent examples of hate crimes against African-Americans and Foreigners or/and those who are perceived to be Muslim or Islamic are the following: (1) On or about November 23, 2015 a white male, Allen Scarsella, shot 5 Black Lives Matter protesters in Minneapolis, MN. He was sentenced to 15 years. (2) On or about March 22, 2017 a white male by the name of James Harris Jackson traveled from Maryland to New York City to purposely and deliberately murder a Black man. He is now in police custody, and has thus admitted to the crime. (3) On or about February 27, 2017 a white male by the name of Adam Purintan shot and killed two men from India and yelled out prior to shooting the men, “get out of my country” The Plaintiff(s) are well

aware of individuals First Amendment right(s) to freedom of speech, however freedom of speech is not protected when it can lead to or cause the possibility of violence or/and damage of property, or when it can lead to civil unrest and lawlessness, then that speech must be restricted. In the 1919 opinion of Justice Oliver Wendell Holmes Jr. he stated in part:

"free speech protection would not cover a man, (or women) who deliberately and falsely shouted "FIRE" in a crowded theater".

Defendants Tomi Lahren, Bill O' Reilly and Glenn Beck have falsely labeled black people and/black groups and their supporters as "terrorist groups or/and organizations", they have falsely and purposely labeled members of the Islamic faith as terrorist. They have disseminated false information to their nearly 10 Million followers, inciting people to harass, assault, shoot, stab and even murder African-American citizens, Muslim American citizens and Muslim's in general, destroy or defame Islamic centers of faith and those non-whites who are perceived as immigrants or/and foreigner's. So, this complaint seeks for damages, equitable relief and injunctive relief arising out of the emotional harm, imminent fears of death and/or serious bodily harm, severe bodily injury and/or deaths and future deaths resulting from the defendants. Those defendants have repeatedly incited their supporters and others to engage in threats, and attacks, and in addition have created a purposely false fear of African American citizens, Muslims and Foreigner's as being potential terrorist and a national security risk in this country. Thus defendants, each and every one of them jointly and severally, conspiring and/or

acting in concert together or separately, either expressly or otherwise, are inciting and causing serious bodily injury or death to African American citizens, Muslims and Foreigner's.

2. The foundation and legal justification for this complaint lies in the lead case "Brandenburg vs Ohio 395 U.S. 444 (1969). In whereas the court stated the following as it relates to the balance of freedom of speech and that speech which violates the law and peace of a nation, or/and a protected group of citizens or/and people. The court used a two-prong test to evaluate speech acts: (1) speech can be prohibited if it is directed at inciting or producing imminent lawless action" and (2) it is likely to incite or produce such action".
3. This is a civil action for the deprivation of the Plaintiffs civil rights and the intentional infliction of emotional distress, physical harm, including but not limited to murder resulting from the Defendants actions.
4. The Plaintiff(s) contention is that the Defendants, Tomi Lahren, Bill O' Reilly and Glenn Beck, statements or words were purposely and deliberately tailored and designed to provoke a violent reaction among their nearly 10-20 Million white male and female audience, who are 98% conservative republicans. The U.S.S. Ct has been unanimous that: Directing, provoking and even inciting, either directly or indirectly, angry crowds and/or citizens to violence is illegal, as demonstrated in the case of U.S. Supreme Court in Brandenburg vs Ohio, 395 U.S. 444 (1969).

II. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. 1331, 28 U.S.C. 1332 (a) as the amount in controversy exceeds \$75,000, exclusive of interest and cost.
6. This Court also has subject matter jurisdiction over this action based on diversity of citizenship pursuant to 28 U.S.C. 1332 (a)(1), because there is a diversity of citizenship between the Plaintiff and the Defendants.
7. On information and belief, the citizenship of the Defendants is:
 - a. Tomi Lahren, Texas
 - b. Glenn Beck, Texas
 - c. The Blaze, Texas
 - d. Mercury Radio Arts, Texas
 - e. Fox News, New York
 - f. Bill O'Reilly, New York
 - g. Roger Ailes, New Jersey/ New York
 - h. Dianne Brandi, New York
8. This Court also has supplemental jurisdiction over this action pursuant to 28 U.S.C. 1367.
9. Venue is proper in this district pursuant to 18 U.S.C. 2334(a) and 28 U.S.C. 1391(b) and 1391(d).

III. **STANDING AND THE INDIVIDUAL PLAINTIFF PARTIES**

10. Plaintiff, Luther Lopez, is a citizen of New York, who is an African-American. Plaintiff

Luther Lopez is also a Muslim and a supporter of Black Lives Matters, the Nation of Islam under the leadership of The Honorable Minister Louis Farrakhan and various other African-American groups. At all times relevant to this action, Plaintiff Luther Lopez, has been present in the United States of America before and at the time(s) the alleged acts of the Defendants occurred. The Plaintiff has been subjected to the threats, intimidation, improper perceptions and continues to be subjected to, fear and intimidation of serious bodily injury or death by those who wish to harm African-Americans and/or non-white and non-Christians in unlawful acts to promote and implement a race war.

11. Defendant Bill O'Reilly is an employee of Twenty-First Century Fox, and is a host of the Factor.

12. Defendant Twenty-First Century Fox, Inc. is a corporation with its principal place of business in New York County, New York, and is duly organized and existing under and by virtue of the laws of the State of Delaware. At all relevant times, Twenty-First Century Fox, Inc.

13. Defendant Fox News Network LLC is a limited liability company with its principal place of business in New York County, New York, and is duly organized and existing under and by virtue of the laws of the State of Delaware. Fox News Network LLC is a wholly owned subsidiary of Twenty-First Century Fox, Inc. In turn, Fox News

Network LLC owns Fox News Channel LLC and Fox Business Channel. At all relevant times, Fox News Network LLC.

14. Defendant Dianne Brandi resides in New York County, New York. Defendant Brandi is employed at Fox as the Executive Vice President, Legal and Business Affairs.

Defendant Brandi has served as in-house counsel for Fox for over twenty years. In this capacity, she oversees multiple departments and other executives. At all relevant times, Defendant Brandi has met the definition of an “employer” of Plaintiffs under all applicable statutes.

15. Defendant Roger Ailes is a resident of Cresskill, New Jersey. At all times relevant, Ailes was the chairman and CEO of fox news.

16. The Blaze is a provocative news and entertainment show. The Blaze reaches millions of people each month through internet-based streaming services, and cable and satellite networks. The Blaze, Inc. is a Delaware corporation with its principal place of business in Irving, Texas.

17. The Defendant Glenn Beck is a natural person and a prominent and controversial television and radio personality host. Beck is the largest shareholder in The Blaze. Defendant Beck is also a resident of Westlake, Texas.

18. Defendant Tomi Lahren is an employee with the Blaze, she is television host with the blaze. She has been employed by the blaze since on or about September 1, 2015.

19. Defendant Mercury Radio Arts, Inc is the owner and distributor of the Blaze and is a Delaware corporation with a usual place of business at Dallas, Texas.

IV. **FACTS COMMON TO ALL COUNTS**

20. By the acts alleged herein, Defendants, each and every one of them, have incited or attempted to incite, provoked or attempted to provoke, directed or attempted to direct, either directly or indirectly, intentionally or unintentionally, unlawful acts of violence or/and intimidation, or/and threats, or/and physical assaults, and/or protest, or/and riots, and including, but not limited to murder or/and attempted murder against African-Americans, and/or Africans, or/and non-white people, and/or non-Christians, (herein after referred to as "non-whites and non-Christian) by using inflammatory rhetoric, false information, overbroad interpretations and fear mongering.
21. Defendants consistently use their media platform to misrepresent and to incite or/and provoke Caucasian citizens, including but not limited to Caucasians or/and whites in law enforcement to believe they are or will be under attack by African-Americans or/and blacks. Defendants are encouraging disaffected whites or/and Caucasians believe there is an impending race war approaching by labeling non-whites as gang members, violent criminals, lazy, uncouth, uncivilized leaches on the American system.
22. The defendants acting in concert and each of them have publicly incited people to violence with the fiction that African-Americans, Muslims, non-whites and so called foreigners are intentionally targeting or will target whites or/and Caucasians.

A. Defendant Tomi Lahren and Relevant Acts

23. On or about July 7, 2016, Defendant Lahren incited her 5 Million, 90% white male, republican, conservative audience, social media followers by tweeting out the following: (that is a combined number added with her following on Facebook and Instagram, including but not limited to Twitter)

**“meet the new KKK, they call themselves black lives matter,
but make no mistake, their goals are far from equality”**

24. Defendant Lahren deleted the tweet after she received numerous complaints about her tweet as being dangerous, inflammatory, irresponsible, false and misleading by media critic expert David Zurawik and many other experts in the media world.

25. On or about July 21, 2015 defendant incited her 5 Million, 90% white male, republican, conservative audience, social media followers by tweeting the following:

“radical Islam is now the rule, not the exception”

26. On or about July 21, 2015 defendant Lahren incited her 5 Million, 90% white male, republican, conservative audience, social media followers by tweeting out the following:

“yesterday’s moderate becomes today’s terrorist”

27. The above tweet implies that all people who are adherents to the faith or/and belief of Islam are or will be terrorist. Therefore, that can be interpreted by ordinary citizens and law enforcement that all Muslims that reside in the United States are security threats. Which can lead to people displaying intolerance, hatred and physical violence towards people of the Islamic faith. (as proven by the statistical data from the Southern Poverty Law Center)

28. On her show defendant stated the following:

“show them what a B-1 bomber looks like ...put the fear of god in their desert”

This is an incitement to violence and murder against Muslims. When taken into full complete context from her previous tweets (**“radical Islam is now the rule, not the exception”**, **“yesterday’s moderate becomes today’s terrorist”**) and other postings on other social media outlets, and the number of people that viewed this on air live and on YouTube (which gained over 2 Million viewers) this can, and has led to hundreds, if not thousands of physical altercations between Non-Christians and Muslims. (as evidence from the Southern Poverty Law Center, especially in the State of Texas where the Defendant works and resides) These inflammatory statements are responsible for the direct violence against Muslims, immigrants and African-Americans, and against those who may be considered Muslim immigrants that reside here in America.

29. On or about February 11, 2016 the defendant incited her nearly 5 Million, 90% white male, republican, conservative audience, followers by tweeting the following:

“black panthers promoted violence ... to overthrow white dominance”

30. This inflammatory statement can and has incited racist individuals to take action against blacks, especially those who are official members of the Black Panther Party or/and any other social group or organization created for social change (for example Blacks Lives Matter and others), or anyone else who is a supporter of such.

31. The defendant knows the power of words and rhetoric based on her own statements. On or about July 7, 2016, the defendant tweeted the following:

“this is what happens when the media and our leaders validate and embolden those that want to wage a war on cops”

The plaintiff, and those similarly situated, echoes the sentiments of the defendant, in whereas in light of the recent spike in hate crimes, as reported by the southern poverty law center and other sources, this is what happens when the media (Tomi lahren and the defendants) validate and embolden those who are racist, nationalist, anti-immigration, anti-muslim, anti-Islam and anti-black who wish to wage war on all of the above.

B. Defendant Glenn Beck and Relevant Acts

32. Defendant Beck has a long history of inciting violence with his words and rhetoric.

On or about October 16, 2010 Defendant Beck launched a tirade against a foundation called “Tides Foundation” in whereas he was allegedly linked to a heavily armed man’s attempt to assassinate an employee or employees of the Tides Foundation.

33. The attack was thwarted in a shoot-out with police in which two police officers were wounded.

34. The alleged attacker Byron Williams stated in a jailhouse interview that he wanted to start a revolution. He also stated that if it were not for defendant Beck he would have never been drawn to watching fox news, and because of the content on fox news it exposed him to information or/and rhetoric and content that drove Mr. Williams to take up arms and to assassinate U.S. citizens here in America, but in turn shot and wounded two police officers.

35. According to the Brady Campaign to prevent gun violence they issued out a statement:

“too many people are turning to guns to remedy their grievances. And they are being fueled by rhetoric from leaders of the extreme gun rights movement”. “the

becks of this world are people who are venting their opinions and it is inflammatory, it generates a lot of emotion and generates in some people overreaction that apparently happened in the California case"

36. Rich Roberts of the international union of police associations which represents some 500 local police unions, stated the following:

"inflammatory speech has a tendency to trigger those kinds of emotions"

37. Rep. Peter King (R) out of New York, senior Republican on the homeland security committee stated the following:

"it is important that everyone in public life, whether on the right or on the left, realize that words have consequences"

38. On or about September 13, 2010 defendant beck incited his nearly 2-3 Million, 90% white male, republican, conservative audience, followers on the "Glenn Beck Program" by stating the following:

"violence will come. And violence will come from the left. Violence is part of the plan. Not mine, not yours."

39. On or about January 5, 2017 defendant beck tweeted out a false, dangerous and inflammatory tweet concerning the Black Lives Matter Group. (and thus, against black people or/and African American's as a whole) The tweeted stated the following:

"you are right. Stand up with me and demand justice in Chicago for the beating of a disabled trump supporter by BLM".

40. However, there was no evidence presented as of today that the alleged assailants were in fact members or affiliated with the BLM group, nor was there any evidence as of today that supports that the victim was in fact a trump supporter.

41. The defendant's willingness to assign every incident that involves members of a different race or/and religion to the Black Lives Matter Organization or to Radical Islam is placing a target on all Black People or/and African Americans and all Members of the Islamic faith.
42. The defendant knew or should have known, that rhetoric like the above is inflammatory and irresponsible and can, and has in the past, incited violence, civil unrest and lawlessness.
43. Defendant Beck is a stake holder in the Blaze radio/ T.V. talk show and allowed Defendant Tomi Lahren to spew vile and inflammatory rhetoric daily for several years.
44. Upon information and belief Defendant Tomi Lahren and Defendant Glenn Beck, met daily or/and every other day to discuss the upcoming topics and angles. Therefore, Defendant Beck conspired with Defendant Lahren to spew vile, false and inflammatory rhetoric to their nearly combined 5 million + followers, knowing that it will incite a number of their viewers to take action, in the form of lawlessness, violence, harassment, murder and assault.

C. Defendant the Blaze and Relevant Acts

45. The Blaze is an American conservative news and entertainment network owned by Mercury Radio Arts. It was first launched in September of 2011. It is headquartered in Irving, Texas and/or Dallas, Texas.
46. The Defendants knew or should have known, that their employees, agents, owners, co-owners, affiliates, program host or/and guest were using the defendant's

premises and radio or/and TV show to incite, direct, exacerbate, provoke or/and inflame their largely all white all male audience, to acts of violence, civil unrest, lawlessness, assault and/or murder.

47. The Defendants allowed this malicious and deliberate anti-black, anti-Islamic and anti-immigration rhetoric to flourish for several years.

48. The defendants were aware of the past incident(s) involving defendant Glenn Beck and his historical racist rhetoric that led to the shooting of two police officers in California.

D. Defendant Bill O'Reilly and Relevant Acts

49. To support the Plaintiffs argument that speech or/and words can influence public opinion, public perception, laws, rules, regulations, law enforcement officers and personnel the plaintiff provides the following: On or about January 24, 2017 on the defendants show, the o'reilly factor, defendant posted seemingly inaccurate stats concerning the crime and crime rate in the city of Chicago, alleging that there were over 228 shootings in 2017.

50. This inflammatory, incomplete, inaccurate and unbalanced information led to the persuasion of Mr. trump to tweet the following: **"if Chicago doesn't fix the horrible carnage going on, 228 shootings in 2017 with 42 killings (up 24% from 2016) I will send in the feds!"**

51. On or about November 10, 2016, defendant O'Reilly stated the following on his show to his millions of viewers, **(90% white male, republican, conservative audience)**

“violent anti-protesters want our system destroyed”.

52. Defendant O’ Reilly offers no proof, no factual evidence to support this claim or statement. Defendant o’reilly does not know whether the protesters were paid protesters or individuals with no political affiliation.

53. Defendant O’ Reilly also stated the following:

“that kind of stuff needs to be punished and quickly”

This statement is inflammatory and irresponsible as journalist.

54. On or about November 3, 2015 Defendant O’Reilly stated the following to his,90% white male, republican, conservative audience, :

“Black Lives Matter, the radical political group is roaming around the country disrupting public events”

55. Defendant O’Reilly uses covert inflammatory words like “Radical”, similar to the words used to described certain members or adherents of Islam, “Radical Islam”, the Defendant knows or should know that keys words will incite fear and anxiety in his overwhelming white male audience, with their political ideology being that of the conservative Republican party. In addition, on that same broadcast he called them a “Hate Group” another hot button word used to incite fear among his overwhelmingly white male audience.

56. On or about July 11, 2013 the Defendant stated on his show the following to his nearly 2 Million viewers:

“Reported crime not, convicted crime, so overwhelmingly tilts towards African-American men”

This type of unbalanced, bias, distorted and false reporting is inflammatory and will incite and provoke fear among his predominately white male audience.

57. On or about April 11, 2016 the Defendant stated the following on his show:

"many of them (referring to African-American) are ill-educated and have tattoos on their foreheads"

58. Defendant O'Reilly's inflammatory rhetoric are not inconsistent with many of the discriminatory comments he has made regarding Black people on his show, consistent with the systemic and institutional racial insensitivity at Fox News, including but not limited to the following examples:

"After reviewing a clip of Congresswoman Maxine Waters: "I didn't hear a word she said. I was looking at the James Brown wig, If we have a picture of James Brown – it's the same wig."

"Don't abandon your children. Don't get pregnant at 14. Don't allow your neighborhoods to deteriorate into free-fire zones, that's what the African American community should have on their T-shirts."

"White people don't force Black people to have babies out of wedlock. That's a personal decision; a decision that has devastated millions of children and led to disaster both socially and economically."

59. Defendant O' Reilly knows his rhetoric is, in his own words, "ruining the country" (as stated in his interview with Ted Koppel on or about March 4, 2016)

60. The Defendant clearly has an ulterior motive for disseminating the knowingly false, bias, misleading and inflammatory statements. The Defendant knows or should have

known that his words will and has created a false narrative of African-Americans, that has led to the devalue of African-Americans, which in turn has led to the high rise in assaults, harassment and murder of African-Americans by White Americans.

E. Defendant Fox News and Relevant Acts

61. Fox news is an American basic cable and satellite news television channel owned by the Fox Entertainment Group, a subsidiary of 21st Century Fox.
62. They primarily broadcast from studios at 1211 Avenue of the Americas, New York City, New York.
63. According to a 2012 pew research center survey 40% of fox news viewers were republican, 60% conservative, 43% had a HS diploma or less, approximately only 16% had an accurate knowledge of current events, (the third least/lowest among other cable news shows) 24+% were 65+ and older, 29+% were between the ages of 50-64.
64. The percentage of viewers in No.46 has tripled since then, reaching percentages of nearly 95+% white, conservative, republican males over the age of 65.
65. Therefore, defendant fox news and bill o'reilly have the highest number of, any cable news and regular news, conservative, republican, white male viewers over the age 65 watching their shows and broadcast.
66. The purpose of stating these facts, which will be verified, reaffirmed and validated during discovery, is to show the motive and intent of the defendants, which is to incite, inflame, direct, either overtly or covertly, or/and willfully or unwilfully their audience to acts of lawlessness, including but not limited to violence, destruction of property, assault and murder.

67. The Defendants, Fox News, knew or should have known, that their employees, agents, owners, co-owners, affiliates, program host or/and guest were using the defendant's premises and radio or/and TV show to incite, direct, exacerbate, provoke or/and inflame their largely all white all male audience, to acts of violence, civil unrest, lawlessness, assault and/or murder.
68. The Defendants allowed this malicious and deliberate anti-black, anti-Islamic and anti-immigration rhetoric to flourish for several years.
69. The Defendant Fox news has a long history of allowing malfeasance to flourish at their headquarters.
70. Defendant Fox News has knowingly and maliciously aided and abetted Defendant O'Reilly in his unlawful practices.
71. As a direct and proximate result, Plaintiffs and the Proposed Class have suffered and continue to suffer from the fear of being attacked, marginalized, harassed and targeted, because of the false, bias and inaccurate information that was disseminated against African-Americans, Muslims and Immigrants.

F. Defendant Roger Ailes

72. Defendant Ailes was the Chairman and CEO of fox news for over 20 years.
73. Defendant Ailes knew or should have known about the vile, inflammatory and false rhetoric that was being spewed by Defendant O'Reilly.
74. The Defendants, Ailes, knew or should have known, that their employees, agents, owners, co-owners, affiliates, program host or/and guest were using the defendant's premises and radio or/and TV show to incite, direct, exacerbate, provoke or/and

inflame their largely all white all male audience, to acts of violence, civil unrest, lawlessness, assault and/or murder.

75. The Defendant Ailes allowed this malicious and deliberate anti-black, anti-Islamic and anti-immigration rhetoric to flourish for several years.

G. Defendant Brandi

76. Defendant Brandi is executive vice president of business and legal affairs.
77. Defendant Brandi has been employed at fox news since or about 1996. Therefore, Defendant Brandi, who has a legal background and obligation to fox news, knew or should have known, that the actions and conduct of Bill O'Reilly, and others, was illegal, unlawful, dangerous and irresponsible.
78. The Defendant, Brandi, knew or should have known, that their employees, agents, owners, co-owners, affiliates, program host or/and guest were using the defendant's premises and radio or/and TV show to incite, direct, exacerbate, provoke or/and inflame their largely all white all male audience, to acts of violence, civil unrest, lawlessness, assault and/or murder.
79. The Defendant Brandi allowed this malicious and deliberate anti-black, anti-Islamic and anti-immigration rhetoric to flourish for several years.

V. CAUSES OF ACTION

FIRST CAUSE OF ACTION

Deprivation of Civil Rights: Aiding and Abetting Murder
(42 U.S.C. 1983)

80. Plaintiff herein repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

81. By the acts and omissions of all Defendants described above, the Defendants and each of them individually deprived the Plaintiff and other members of the class herein of their constitutional rights to life and liberty guaranteed by the Fifth Amendment to the U.S. Constitution, as reinforced by the Fourteenth Amendment.
82. Plaintiff and other members of the class herein have been injured in their person, property or business by reason of acts committed by Defendants that involve the aiding and abetting of violence or which are dangerous to human life and that violate the criminal laws of the United States, including violating the prohibition on killing, attempting to kill.
83. The acts of the Defendants to incite, provoke and instigate white citizens, using their platform, can only be intended for: (a) to intimidate or coerce the population of white citizens, including but not limited to law enforcement, (b) to influence the policy of white racist neo Nazi groups and/or organizations, and (c) to affect the conduct of white citizens, including but not limited to law enforcement, white racist neo Nazi groups or/and organizations, to acts of violence and murder of African American citizens and/or black or/and non-white citizens or/and citizens of mixed race.
84. Each of the Defendants provides substantial assistance to criminal activity by inciting people to attack, threaten, intimidate and harass African-American citizens, or/and black, or/and non-white citizens.
85. Each of the Defendants provides substantial assistance of criminal activity by inciting people to attack, threaten, intimidate and harass African-American citizens or/and

blacks, or/and non-whites citizens in retaliation for speaking out, marching, protesting the oppression of African-American citizens, and/or non-white people.

86. Each of the Defendants knows, or has recklessly disregarded, that each Defendant is providing material support to racist white groups or/and organizations or/and ordinary white citizens to commit acts of violence and criminal acts of murder and violence against African-American and non-white people.

87. Each of the Defendants knew or recklessly disregarded the fact that their activities alleged above have substantially assisted and encouraged and much more engaged in dangerous and criminal acts set forth herein.

88. By aiding and abetting white racist neo Nazi groups, individuals or/and organizations, or/and ordinary white citizens, including but not limited to law enforcement, has caused Plaintiff and other members of the protected class to be injured in his or her person, property, or business, Defendants are jointly severally liable to 18 U.S.C. 1983 for any and all damages that Plaintiffs have sustained as a result of such injuries.

SECOND CAUSE OF ACTION

Conspiracy to Deprive Plaintiffs of Civil Right to Life and Liberty
(42 U.S.C. 1985)

89. Plaintiff and other members of the class herein repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

90. Defendants have conspired together, willingly or unwillingly, to knowingly or and intentionally deprive the Plaintiff and other members of the class herein of their

constitutional and civil rights to life, liberty and property in violation of 42 U.S.C. 1985.

91. Each of the Defendants, acting in concert, jointly and severally, have committed overt and public acts in furtherance of the conspiracy.
92. Defendants have conspired and acted "for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any state or territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class or persons, to the equal protection of the laws in violation of 42 U.S.C. 1985(2).
93. Defendants agreed, including by implication or common understanding to combine with each other, their agents, and other persons to act unlawfully, in the manner set forth in this complaint and committed overt acts in furtherance of the conspiracy.
94. At all times relevant, defendants knew of this conspiracy and knew and should have known, in particular, of the roles of each other as to the incendiary remarks and statements by each other.
95. At minimum, defendants recklessly disregarded the nature and purpose of the conspiracy.
96. Defendants knowingly and purposefully agreed to perform the acts complained of herein with the knowledge, and for the purpose, that such services facilitate their mutual goals and support what are in effect racially and ethnically based terrorist activities pursuant to a common scheme to encourage and incentivize acts of

violence and death against non-white citizens, black citizens, African-American citizens, non-Anglo-Saxons and Muslims.

THIRD CAUSE OF ACTION

Assault

97. Plaintiff and other members of the class herein repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.
98. Defendants acts of promoting and/or carrying out actions of violence against non-white citizens and Muslim citizens were done with the intent to knowingly and purposefully place the plaintiff and other members of the class in fear of immediate and imminent severe bodily injury physical danger, attacks, and/or execution, assassination, or death.
99. As a direct, foreseeable and proximate result of the conduct of defendants, acting in concert, jointly and severally, as alleged herein above, plaintiff and other members of the class have suffered non-pecuniary and other damages in amounts to be proven at trial.
100. By reason of the wrongful conduct of defendants, plaintiff and other members of the class herein, including family members, have suffered conscious pain, suffering, severe emotional distress and fear of imminent serious bodily injury or death, and have suffered loss of guidance, grief, loss of services, loss of society, and other mental and physical injuries.

FOURTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

101. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.
102. Defendants acts of inciting and/or carrying out actions of violence against non-white citizens and Muslims or/and non-Christians were done with intent to terrorize, threaten, intimidate, and frighten the plaintiff and class members, as well as to actually commit acts of violence against them.
103. Defendants acts of promoting and/or carrying out actions of violence against non-white citizens, Muslims and non-Christians were willful and malicious, deliberate, or were done with reckless indifference to the likelihood that such behavior would cause severe emotional distress and with utter disregard for the consequences of such actions.
104. The acts of violence and murder set forth herein were committed with the knowledge of and intention to cause extreme physical pain and suffering to any and all persons within close proximity of the attack and extremes emotional distress to the plaintiff and other members of the class herein and/or family members of those who were killed or injured by reason of those acts, or were done with reckless indifference to the likelihood that such behavior would cause such severe emotional distress and with utter disregard for the consequences of such actions.
105. Defendants conduct, each and every one of them, jointly and severally, was unreasonable and outrageous and exceeds the bounds usually tolerated by decent society, and was done willfully, maliciously and deliberately, or with reckless

indifference, to cause the plaintiff and other members of the class herein, severe mental and emotional pain, distress, and anguish and loss of enjoyment of life.

106. By reason of the wrongful conduct of defendants, plaintiff and other members of the class herein, including their family members, have suffered conscious pain, suffering, severe emotional distress and the fear of imminent serious bodily injury or death, and have suffered loss of guidance, grief anguish, loss of society and other mental and physical injuries.

107. Defendants, each and every one of them, conspiring and/or acting in concert, jointly and severally, undertook their actions willfully, wantonly, maliciously and in reckless disregard for plaintiff's rights and as a direct foreseeable and proximate result thereof plaintiffs suffered emotional damage in amount sufficient to deter defendants and others from similar future wrongful conduct.

CONCLUSION

This complaint is a controversial issue that the Plaintiff believes needs to be addressed by legal system, in the rendering of new and updated legal decision, either by the court or a Jury. The court cannot ignore that words are powerful and can incite individuals to react in a way that the speaker may intentionally or unintentionally direct them to. In addition, all the Defendants are very powerful and very influential, especially in the media, Therefore, greater restraint may need to be attached to the Defendants and other media outlets now and in the future.

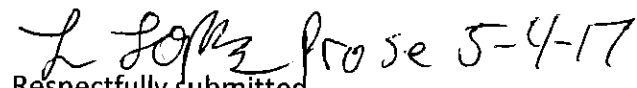
PRAYER FOR RELIEF

Plaintiff, on behalf of himself demands that judgment be entered against defendants, each and every one of them jointly and severally, for injunctive relief and compensatory and actual damages because of their demonstrable physical and emotional injury to plaintiffs, punitive damages because of defendants callous and reckless indifference and malicious acts, and attorney fees, costs, an award in excess of \$1,000,000 and such other relief the court may deem just and proper.

JURY DEMAND

Plaintiffs respectfully demand a jury trial on all issues so triable.

Dated:

 5-4-17
Respectfully submitted,
/s/ Luther Lopez, Pro se
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